



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : B. Dentz
Art Unit : 121
Applicant : R. A. Johnson, et al.
Serial No. : 200,690
Filed : 27 October 1980
For : PGI₂ Pharmacologically Acceptable Salts
Commissioner of Patents and Trademarks
Washington, D.C. 20231

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GROUP 120

SECOND REPLY TO A FINAL REJECTION UNDER
37 CFR 1.111 AND 1.115

Sir:

This is a response to the Examiner's final action of 13 August 1981 (Paper No. 6) and the Examiner's advisory action of 9 October 1981 (Paper No. 8).

R E M A R K S

The claims in the case are 1-6.

These claims stand rejected as being directed to the same invention as the count of Interference 100,116 and as double patenting over the claim of applicants' Serial No. 819,940.

Applicants again respectfully request a reconsideration of these rejections for the reasons presented below.

In applicants' first response to the Examiner's final rejection made 17 September 1981, applicants stated that the grounds of rejection as it relates to the count of Interference 100,116 would be rendered moot inasmuch as the interference was in the process of being dissolved on the grounds that the opposing party's claim corresponding to the count is directed to an unpatentable product of nature. Inasmuch as the Examiner has indicated in his advisory action that the "rejections must be continued at this time in view of the instant status of Interference 100,116", applicants provide herewith two declarations filed during the period for motions (37 CFR 1.231) in Interference 100,116, supporting applicants' position that his claim corresponding to the count (i.e., prostacyclin salts and esters per se) was patentably distinct from the Moncada claim corresponding